

1 **SENATE FLOOR VERSION**

2 March 30, 2021

3 ENGROSSED HOUSE
4 BILL NO. 2398

By: Russ of the House

5 and

6 Howard of the Senate

7
8 An Act relating to mortgage or lien releases;
9 amending 46 O.S. 2011, Section 15, as last amended by
10 Section 19, Chapter 210, O.S.L. 2016 (46 O.S. Supp.
11 2020, Section 15), which relates to mortgage holder
releasing mortgage; authorizing agent of a mortgagor
to make written requests to a holder of mortgage; and
providing an effective date.

12
13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 46 O.S. 2011, Section 15, as last
16 amended by Section 19, Chapter 210, O.S.L. 2016 (46 O.S. Supp. 2020,
17 Section 15), is amended to read as follows:

18 Section 15. A. Any mortgage or judgment lien on real estate
19 shall be released by the holder of any such mortgage or judgment
20 lien within thirty (30) days of the payment of the debt secured by
21 the mortgage or judgment lien and the holder of the mortgage or
22 judgment lien shall file the release of the mortgage or judgment
23 lien with the county clerk where the mortgage or judgment lien is
24 recorded. If, at the end of the thirty-day period, the holder has

1 failed to release the mortgage or judgment lien, the mortgagor or
2 debtor, or the agent representing the mortgagor or debtor, may at
3 any time request in writing the holder of the mortgage or judgment
4 lien to release the mortgage or judgment lien and the holder of the
5 mortgage or judgment lien shall have ten (10) days from the date of
6 the request to release such mortgage or judgment lien. If the
7 holder of the mortgage or judgment lien fails to release the
8 mortgage or judgment lien by the end of such ten-day period, the
9 mortgage or judgment lien holder shall then forfeit and pay to the
10 mortgagor or debtor a penalty of one percent (1%) of the principal
11 debt not to exceed One Hundred Dollars (\$100.00) per day each day
12 the release is not recorded after the ten-day period has expired and
13 the penalty ~~shall~~ may be recovered in a civil action in any court
14 having jurisdiction thereof, but the request for the release shall
15 be in writing and describe the mortgage or judgment lien and
16 premises with reasonable certainty. Provided that, the total
17 penalty shall not exceed one hundred percent (100%) of the total
18 principal debt.

19 B. A title insurance company ~~or its duly appointed agent~~
20 attorney may bring action on behalf of the mortgagor or debtor to
21 recover the penalty described in subsection A of this section.

22 C. For purposes of this section:

23 1. "Mortgagor" shall include any subsequent purchaser of the
24 mortgaged real estate; and

1 2. "Title insurance company" shall mean a corporation or other
2 business entity authorized and licensed to transact business of
3 insuring titles to interests in real property in this state.

4 SECTION 2. This act shall become effective November 1, 2021.

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
6 March 30, 2021 - DO PASS

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24